

3745-599-370

**Denial and revocation of an individual beneficial use permit.**

(A) Denial of an individual beneficial use permit. The director may deny an individual beneficial use permit application or an application for renewal of an individual beneficial use permit in accordance with Chapter 119. of the Revised Code, for at a minimum any of the following reasons:

(1) The beneficial use of a beneficial use byproduct is proposed at one or more of the following locations:

(a) Within a drinking water source protection area for a public water system using ground water.

(b) Within five hundred feet of a well that provides potable drinking water for human or livestock consumption.

(c) Within an emergency management zone.

(d) Within a flood plain.

(e) Within a location prohibited under paragraph (M) of section 3734.02 of the Revised Code.

(2) The beneficial use byproduct is proposed to be beneficially used in the construction of facilities used to treat, store, or convey potable water for human or livestock consumption.

(3) The beneficial use of a beneficial use byproduct is proposed at any location where the director determines that the beneficial use may endanger public health, safety, or the environment, create a nuisance, or cause or contribute to water pollution or air pollution.

(4) The application is deficient or otherwise not in compliance with this chapter.

(5) The permittee has not demonstrated compliance with the individual beneficial use permit for which a renewal application has been submitted.

(6) The permit for which an application for renewal has been submitted has been revoked.

(B) Revocation of an individual beneficial use permit. The director may revoke an individual beneficial use permit in accordance with Chapter 119. of the Revised Code, if at a minimum any of the following occur:

(1) The director finds that there has been a violation of a law, rule, or an authorization issued pursuant to Chapter 3704., 3734., or 6111. of the Revised Code or the rules adopted thereunder, or any other applicable environmental laws and regulations.

- (2) The director has determined that a nuisance or an adverse impact to public health, safety, or the environment has been caused by the beneficial use of the beneficial use byproduct.
- (3) The director has determined that information submitted as the basis for the director's determination to approve the permit was incomplete, incorrect, or is no longer valid.
- (4) An additional constituent of concern is identified that has not been evaluated under the individual beneficial use permit.
- (5) The permittee requests that the director revoke the individual beneficial use permit.

Effective:

Five Year Review (FYR) Dates:

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Certification

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Date

Promulgated Under: 119.03  
Statutory Authority: 3734.02, 6111.03, 6111.32  
Rule Amplifies: 3734.02, 3734.05, 3734.45, 6111.03, 6111.32